

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
March 7, 2011**

CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Shoreview City Council was called to order by Acting Mayor Quigley on March 7, 2011, at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance to the flag.

ROLL CALL

The following members were present: Acting Mayor Quigley; Councilmembers Huffman, Wickstrom and Withhart.

Mayor Martin was absent.

APPROVAL OF AGENDA

MOTION: by Councilmember Wickstrom, seconded by Councilmember Huffman to approve the March 7, 2011 agenda as submitted.

VOTE: Ayes - 4 Nays - 0

PROCLAMATIONS AND RECOGNITIONS

Acting Mayor Quigley recognized Michael Pnewski who has achieved the Eagle Scout rank in the Boy Scouts. Mike's project was to collect CDs and DVDs for Gillette Children's Hospital. He organized and coordinated over 40 volunteers and collected over 700 CDs and DVDs. He was able to also make a donation to Penny Pinchers Thrift Shop. Acting Mayor Quigley presented him with a plaque from the City and read the following proclamation:

WHEREAS, Michael Pnewski, a student at Mounds View High School, son of Kathy and Tom, and member of Troop 416, has earned the rank of Eagle Scout, the highest of ranks in the Boy Scouts of America; and

WHEREAS, to attain the rank of Eagle Scout, Michael had to complete a special Eagle Scout Service Project; and

WHEREAS, Michael planned, organized and executed a donation drive in Shoreview to collect DVDs and CDs for Gillette Children's Hospital; and

WHEREAS, Michael recruited over 40 volunteers, spent approximately 200 hours and collected a total of 774 donations, some of which were also donated to Penny Pinchers thrift store thereby helping 2 charities with the same project; and

WHEREAS, Michael has received many achievement awards such as National 250 Camping Days and Nights, World Conservation Award, and the Arrow of Light Award, in addition to many others; and

WHEREAS, Michael is a member of the Quiz Bowl Team, a staff writer for the high school newspaper, and enjoys fencing, playing guitar, bass guitar and harmonica.

NOW, THEREFORE, BE IT RESOLVED that I, Sandra C. Martin, Mayor of Shoreview, on behalf of the Shoreview City Council, do hereby congratulate Michael Pnewski for his many accomplishments and his achievement of the rank of Eagle Scout.

In response to a question from the audience, Mike stated that his favorite merit badge was on weather, which he taught at Tomahawk Reservation. He thanked everyone who was so generous with donations, which made his project successful.

CITIZEN COMMENTS

Mr. Peter Hanson stated that he has been on the TCAAP property since 1996 testing water. He works on infrastructure. Much of it will be taken away. Water does not have infrastructure, nor does soil. He stated that infrastructure is for people, corporations and buildings.

COUNCIL COMMENTS

Councilmember Withhart:

Thank you to all volunteers who made the *Taste of the Slice* a wonderful event and successful fundraiser.

Councilmember Wickstrom:

Thank staff for the legal notices posted on the City website, which resolves the issue for those who do not receive the *Shoreview Press*.

The Environmental Quality Committee will hold the next seminar of its series on Wednesday, March 16, 2011, at 7:00 p.m. in the Shoreview City Council Chambers. The topic will be the emerald ash borer. All are encouraged to attend.

The Ramsey County League of Local Governments will be at Irondale High School in the library at 7:00 p.m. on Thursday, March 24, 2011. The program will be a presentation on the Citizens Academy. She would like to see Shoreview hold a Citizens Academy, an opportunity for residents to learn where their tax dollars go.

Efforts are being made to start a *Beyond the Yellow Ribbon Campaign* in Shoreview to support military families. Anyone interested, please contact Councilmember Wickstrom at 651-780-5245, or by email at ady@adywickstrom.com. Acting Mayor Quigley noted that there is also information on this program at beyondtheyellowribbon.org.

The Snail Lake Restoration hosted by Great River Greening Organization will be Saturday, March 26, 2011, 8:30 a.m. to 12:30 p.m. There is information on how to sign up in *ShoreViews*, page 24, and at <http://www.greatrivergreening.org/events>.

There is application information for the Shoreview Green Community Award in the latest edition of *ShoreViews* on page 8. There will not be a tour of the properties this year, but there will be an award ceremony at the Community Center.

CONSENT AGENDA

MOTION: by Councilmember Withhart, seconded by Councilmember Huffman to adopt the consent agenda of March 7, 2011, approving the necessary motions and resolutions:

1. February 14, 2011 City Council Workshop Meeting Minutes
2. February 22, 2011 City Council Meeting Minutes
3. Receipt of Committee/Commission Minutes
 - Planning Commission, January 25, 2011
 - Park and Recreation Commission, January 27, 2011
4. Verified Claims in the Amount of \$430,534.85
5. Purchases
6. License Applications
7. Revised Eligibility Criteria to Shoreview Home Energy Improvement Loan Program to Allow Townhouse Participation and Add Emergency Repairs Provision
8. Approval of Special Event Liquor License - St. Odilia Catholic Community
9. Award of Quote - City Hall/Community Center Mechanical System Control Update
10. Approval of Disposal of Public Property Conveying Interest in Lot 3, Block 1, Bridge Court East Addition
11. Acceptance of Gifts - Taste of Slice

Discussion:

Councilmember Huffman requested that item No. 2, February 22, 2011 City Council Meeting Minutes be voted on separately, as he did not attend that meeting.

Item No. 7 on the Consent Agenda was pulled for separate discussion.

Councilmember Wickstrom requested a change on page 2, 4th bullet to delete the word “detached.” Not all townhomes are detached. Also the eligible improvements should only be for items not the responsibility of the association because various associations are different in what items are covered.

Acting Mayor Quigley suggested these changes be considered at a later time rather than with the revisions presented.

Councilmember Huffman agreed. This proposal should be voted on. The EDA understands that there will be further revisions. These issues can be discussed at the next EDA meeting. There are clear directions to borrowers to talk to their association before taking out the loan.

Mr. Schwerm noted on page 2 that eligibility for all categories for this loan program must comply with association bylaws and covenants. Common property would not be eligible for the loan.

Councilmember Wickstrom agreed but stated that her concern is that doors and windows would not be covered on any townhouse. There should be no difference in what is covered for a single family home or town home as long as the item is not covered by the association.

It was the consensus of the Council to act on the townhouse eligibility requirements as presented and that the EDA will further discuss Councilmember Wickstrom’s concerns at their next meeting.

Councilmember Withhart amended his motion to include No. 7 and exclude item No. 2.

VOTE: Ayes - 4 Nays - 0

MOTION: by Councilmember Wickstrom, seconded by Councilmember Withhart to approve the February 22, 2011 City Council Meeting Minutes, as submitted.

VOTE: Ayes - 3 Nays - 0 Abstain - 1 (Huffman)

PUBLIC HEARINGS

There were none.

GENERAL BUSINESS

RECEIVE FEASIBILITY REPORT AND CALL FOR PUBLIC HEARING - HAMLINE AVENUE AND BUFFALO LANE, CP 11-01A & 11-01B

Presentation by Assistant City Engineer Tom Wesolowski

Hamline Avenue is the last turnback road from Ramsey County. In June 2010, the City Council authorized preparation of the Feasibility Study. It became clear that it would be prudent to add Buffalo Lane to the project so those residents would have access to City water and sewer.

Hamline Avenue is a 32-foot wide rural road with no curb and gutter. There is no storm sewer collection. Water runs onto the side of the road into ditches and low lands. Buffalo Lane consists of a 12- to 15-foot wide rural road with no curb and gutter. Currently, the City water main and sanitary sewer serves three of the seven properties on the street. Three septic systems are failing. There is no storm water collection system.

The proposed improvements for Hamline include:

- 31-foot wide road with barrier style concrete curb and gutter;
- Installation of curve on County Road I where Hamline and County Road I form a T with County Road I becoming the major road;
- 8-foot bituminous trail on the west side of the roadway; and installation of sewer and water services to areas with potential for development. The storm water system would be similar to the Hawes/Demar/Rustic Place project with infiltration pipes installed underground and water infiltrating over time and also sediment chambers similar to Milton Street and Carlson Road.
- Decorative lighting consistent with other MSA roads in the City;
- Two trail alternates--one a continuation on the west side along County Road I to Shamrock Park and one that would continue on the east side of County Road I to Wood Duck Court.

Improvements to Buffalo Lane include:

- Remove old road and install new road section, 20 feet wide with surmountable concrete curb and gutter;
- Provide all properties access to City water;
- Provide all properties access to City sewer;
- Install storm water collection system.

Two information meetings were held for Hamline Avenue. Positive comments were received. There were also petitions from two townhouse associations expressing concern about the alignment of the road and loss of trees in the right-of-way.

One informational meeting was held for Buffalo Lane residents, who generally support water and sewer extensions. However, there are concerns about increasing the width of the road and the addition of curb and gutter.

Project costs for Hamline Avenue are estimated at \$1.9 million with an addition of \$183,000 for proposed trail extensions. The total cost is estimated to be \$2,175,000. The cost for Buffalo Lane is estimated at \$333,000.

Assessments for Hamline Avenue improvements would be \$1,650/unit for the street; \$6,000/unit for sanitary sewer; and a maximum of \$1120 per unit for surface water. MSA funds will cover the roadway, trail, storm sewer and street lights. Ramsey County will participate in costs for the realignment of County Road I.

Buffalo Lane assessments would be \$1,650/unit for the street; \$5,000/unit for water; \$6,000/unit for sanitary sewer; and a maximum of \$1120/unit for surface water depending on lot size. Funding from the Water Fund, Sewer Fund, Surface Water Fund and Street Renewal Fund will be used for this portion of the project.

Staff recommends the projects proceed as presented in the Feasibility Report and that public hearings for the projects be scheduled for April 18, 2011.

Discussion:

Councilmember Huffman noted the expense for Buffalo Lane with only seven residents to be assessed. He asked for feedback from residents at the information meeting. Mr. Wesolowski responded that residents are fully aware of the project costs and associated fees, which totals approximately \$16,000 per unit. Residents understood that the best opportunity for this work to be done is in conjunction with the Hamline Avenue project. Residents had a separate meeting and contacted him indicating their general support for the project with some concerns about the road design.

Councilmember Wickstrom stated that Ramsey County put a thin overlay over Hamline Avenue, but there are significant cracks forming in the roadway. In response to resident concerns about the road, she asked the impact of postponing this project. She wants the public to be aware of the planning that goes into scheduling projects and that it is not so easy to move them to a different time. Mr. Wesolowski stated that anything under a thin overlay will show within a couple of years. City policy has been to restore turnback roads fairly quickly and use the County funds available for the work. The impact of postponement would be increased costs in future years. Costs go up every year. The bidding climate is aggressive now and should work to the City's advantage this year.

Mr. Schwerm stated that the majority of the Hamline project is funded through gas tax dollars. It could be delayed, but this is a good year for this project in terms of the City's street renewal schedule.

Councilmember Wickstrom emphasized that the new curve alignment for County Road I has been shifted to maintain existing trees. She stated that she has always stressed the need for safe pedestrian trails and would not consider this project without them. She is also pleased to see that the proposed trails will connect with existing trails. Trails are highly rated on the community survey.

Councilmember Wickstrom asked the assessment policy for townhouses, as many of the properties are in townhouse associations. Mr. Wesolowski stated that it will depend on association policy. Mr. Schwerm added that only corner lots would be assessed for one-half unit for street and one-half unit for storm water. Assessments will be to the owner of property that abuts the road. Therefore, if it is community property, the assessment would be to the association.

In regard to Buffalo Lane, Councilmember Withhart asked if assessments would only be to properties needing connection to City water and sewer, or do all of the properties participate. Mr. Wesolowski answered that only the few properties who need the connection would be assessed the sewer and water portion of the project.

Councilmember Withhart asked if the 20-foot road for Buffalo Lane is adequate for emergency access and whether there is a turn-around. Mr. Wesolowski stated that the Fire Chief has looked at the plans and is comfortable with the proposed width. There will be a turn-around at the end.

Councilmember Withhart asked if the curve on County Road I could be extended to put in an easy S curve. Mr. Wesolowski stated that the County is only prepared financially to help with the curve design currently proposed. There are large St. Paul water utility viaducts that complicate an S design, although the County is interested in taking care of both curves. Councilmember Withhart noted that the bidding climate is good now and the work will only cost more later. He would like to see the work considered with this project.

Councilmember Wickstrom agreed that considering the second curve makes more sense now than doing the work later. She noted that the assessment hearing will not be held until all of the work is completed. The reason for discussing assessments now is for residents to be able to prepare for them and know what to expect. She noted that many of the trees are pines that provide good screening. With the modifications, only a very few will probably need to be taken out, and there is a tree replacement policy.

Councilmember Huffman asked the difference between an MSA road and a City street. Mr. Wesolowski explained that an MSA road is funded with gas tax money and must meet certain traffic criteria or connection points. Hamline carries approximately 2400 cars per day as

opposed to a City street that averages 500 vehicles per day. Hamline will also connect one county road to another county road--County Road I and Lexington.

MOTION: by Councilmember Huffman, seconded by Councilmember Withhart to approve Resolution 11-12, receiving the Feasibility Report for Hamline Avenue and Buffalo Lane Reconstruction, City Projects, 11-01A and 11-01B, and calling for Public Hearings to be held on April 18, 2011 at 7:00 p.m. on the proposed improvements.

Discussion:

Acting Mayor Quigley noted a request for a postponement of the public hearing to allow the return of more residents who are away. It is unlikely that the public hearing will be postponed because of the way projects are scheduled. He urged associations to communicate with residents who are away.

Councilmember Wickstrom stated that she has already received comments from snowbirds. There is mail and email available to anyone who wishes to make comments.

ROLL CALL: Ayes: Huffman, Wickstrom, Withhart, Quigley
Nays: None

FINAL PLAT/PUD--LEXINGTON ESTATES TOWNHOME ASSOCIATION, INC.

Presentation by City Planner Kathleen Nordine

The plat proposes a change to the common area, including a private road/parking area that would be dedicated as public right-of-way. The development consists of 21 rambler-style homes in buildings of two and three units each. There is a private street with public sewer and water beneath the roadway. Re-platting will designate the road as public. The application complies with City policy and is consistent with preliminary approvals. There is a Public Right-of-Way Use Agreement, which acknowledges the public road is subject to City regulations, including parking regulations.

Serene Court has requested that fees be waived because this re-platting did not require an extensive staff review as a new development. The fees paid for preliminary and final review are \$1,900. Staff costs total \$1,446.30. Direct costs of mailing, publication and attorney fees total \$613.48. Staff is recommending the fee be reduced to the actual staff costs of \$1,446.30, and approval of the Final Plat and PUD application subject to the conditions listed in the staff report and the Public Right-of-Way Agreement.

MOTION: by Councilmember Withhart, seconded by Councilmember Wickstrom to approve Lexington Estates Townhomes Association Three, Inc.'s request for final plat, Serene Hills Estates Plat Four, and the amendment to the approved Planned Unit Development, subject to the following conditions:

1. Approval of the Final Plat and amendment to the PUD shall expire within one year of the date approved by the City Council.
2. Prior to the City's release of the Final Plat for recording, the Public Right-of-Way Use Agreement shall be executed between the City and the Association.

This approval is based on the following findings:

1. The use and development was approved as a PUD - Planned Unit Development District. The underlying zoning designation is R-2, Attached Residential.
2. The use and proposed alterations are consistent with the planned land use, goals and policies of the Comprehensive Plan, Chapter 4, Land Use and the housing goals in Chapter 7, Housing.
3. This conversion of the street to a public roadway is consistent with the City's current subdivision standards that require all streets to be publicly dedicated rights-of-ways.
4. Serene Court complies with the established criteria regarding the conversion of private streets to public streets.

Discussion:

Councilmember Huffman stated that the City has relieved the Association of the large cost of maintenance of the street, and he will not support the reduced fee.

VOTE: Ayes - 4 Nays - 0

MOTION: by Councilmember Withhart, seconded by Councilmember Wickstrom to reduce the application fees associated with the preliminary and final plat and planned unit development requests submitted by Lexington Estates Townhomes Association Three, Inc.'s for Serene Hills Estates Plat Four. The proposal did not require an extensive review by the City Staff because the request related to replatting a private street so it could be dedicated as public right-of-way. Said fee shall be reduced to \$1,446.30 and reflect the actual costs for processing and reviewing the applications.

Discussion:

Councilmember Withhart stated that the City benefits from this application as well, as public utilities will no longer be under a private street.

Councilmember Wickstrom stated that she would support actual staff costs which reduce the fee because it is a replatting.

Councilmember Huffman stated that once the road is a public street, it will be incorporated into the CIP for maintenance, which will increase street costs to the City.

Mr. Tim Kulas, Past President of the Association, introduced Fred Berens, current President. He thanked the Council for all of staff's work and help. He stated that the Association has paid thousands of dollars in costs. It was his understanding that the City also wanted this action. This is an opportunity for the City to participate in some of those costs. The staff costs are sunk costs. They are not additional to the City but are salary costs the City would have paid with or without this application. He requested that the fees be reduced to the direct cost of \$693, not the \$1446.30 proposed.

Acting Mayor Quigley stated that the fees have been previously reviewed. While he can understand both sides, he would support staff's assessment of what is involved.

Councilmember Wickstrom stated that she would also support staff's recommendation of \$1,446.30, a reduction of almost \$500. While there is benefit to the City, the main benefit is to the Association. It is not fair for other taxpayers in the City to pay for this change. While staff salary would be paid, staff has many things to do, and created opportunity for the Association to make this change.

VOTE: Ayes - 3 Nays - 1 (Huffman)

APPROVAL OF TRANSIT SHELTER AGREEMENT

Last fall Metro Transit removed five shelters along Hodgson Road because of low ridership. Metro Transit has agreed to replace three of the shelters as long as the City maintains them. Staff has drafted an agreement describing the roles and responsibilities of the City and Metro Transit.

Metro Transit shall provide:

- Three shelters within 18 months of approval of this agreement
- Deliver, assemble and install shelters at approved locations

The City shall:

- Inspect bus shelters and accept ownership if they are in good condition
- Attach branding/signage to shelters identifying City as owner and responsible for maintenance
- Maintain shelters in a clean and usable condition

- Removal of shelters if:
 - they are no longer economically feasible
 - they are no longer on an approved transit route.

Staff is recommending approval.

Councilmember Wickstrom thanked staff for working on this matter. The shelters were removed without notice to the City, and she has worked with Metro Transit to change that policy. The City was already taking care of snowplow maintenance. She does not believe there will be much difference in responsibility for the City.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Huffman to approve the Bus Shelter Agreement between the City of Shoreview and Metropolitan Council (Metro Transit) addressing the replacement, installation and maintenance of bus shelters on transit routes in the City.

Discussion:

Councilmember Withhart expressed some concern about the low volume ridership and yet the City will be responsible for all maintenance. He asked what cost is involved for the handful of people that will use them. Mr. Schwerm responded that he anticipates quarterly cleaning that will be done by the Department of Corrections crews. The structures are stable and likely will require very little maintenance.

Councilmember Wickstrom noted that one shelter was adopted by a group for cleaning. One shelter is on a trail that has been adopted. She believes those cleaning the trail will pick up the trash from the shelter as well.

VOTE: Ayes - 4 Nays - 0

APPOINTMENT TO PARKS AND RECREATION COMMISSION

MOTION: by Councilmember Huffman, seconded by Councilmember Withhart to appoint Patrick Sager to the Park and Recreation Commission for a term ending January 31, 2014.

Discussion:

Councilmember Withhart stated that Mr. Sager is very qualified. He has been active on the Bikeways and Trails Committee. He encouraged anyone interested in serving on a City commission/committee to apply. Information is available on the City website or by calling staff.

VOTE: Ayes - 4 Nays - 0

ADJOURNMENT

MOTION: by Councilmember Huffman, seconded by Councilmember Withhart to adjourn the meeting at 8:35 p.m.

VOTE: Ayes - 4 Nays - 0

Acting Mayor Quigley declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 21st DAY OF MARCH 2011.

Terry C. Schwerm
City Manager